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JAN 12 2004

OFFICIAL**FACSIMILE TRANSMISSION****CONFIDENTIAL**

DATE: January 12, 2004

CLIENT-MATTER NO.: 23542-07404

To:

NAME	FAX NO.	PHONE NO.
Jeffrey N. Fredman U.S. Patent and Trademark Office Group Art 1634	703-305-3014- 872-9306	

FROM: Susan T. Hubl, Ph.D. **PHONE:** (415) 875-2316**SENT BY:** Cheryl Leger **PHONE:** (415) 875-2495**RE:** U.S. Patent and Trademark Appl. No. 09/929,663

NUMBER OF PAGES WITH COVER PAGE: 5

ORIGINAL WILL NOT FOLLOW

MESSAGE:

Please see attached Notice of Appeal.

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0001/PTO Rev. 10/95 TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application)	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/929,663	
		Filing Date	August 14, 2001	
		First Named Inventor	Carl A. Kamb	
		Group Art Unit Number	1634	
		Examiner Name	Jeffrey N. Fredman	
Total Number of Pages in This Submission		5	Attorney Docket Number	23542-07404

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Fax Cover Sheet <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT			
Signature:			
Attorney/Reg. No.:	Susan T. Hubl, Reg. No. 47,668	Dated:	Jan. 12, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION			
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.			
Signature:			
Typed or Printed Name:	Susan T. Hubl	Dated:	Jan. 12, 2004
Facsimile Number:	1-703-308-3034 872-9306		

23542/07404/SF/5112663.1

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Complete if Known☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 640.00

Application Number	09/929,663
Filing Date	August 14, 2001
First Named Inventor	Carl A. Kamb
Examiner Name	Jeffrey N. Fredman
Art Unit	1634
Attorney Docket No.	23542-07404

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
Deposit Account Number **19-2555**Deposit Account Name **Fenwick & West LLP**

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR \$1.16 or \$1.17 during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	90	Provisional filing fee	

SUBTOTAL (1) (\$) **0.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	88	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **0.00**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,640*	1805	1,640*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	475.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	165.00
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

SUBTOTAL (3) (\$) **640.00**

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type)	Susan T. Hubl	Registration No. (Attorney/Agent)	47,658	Complete (if applicable)	Telephone (415) 875-2316
Signature	<i>Susan T. Hubl</i>	Date	January 12, 2004		

PATENT
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JAN 12 2004

OFFICIAL

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT(S): Carl A. Kamb
APPLICATION NO.: 09/929,663
FILING DATE: August 14, 2001
TITLE: Process for Identification of Genes Perturbangens and Cellular Targets
Relating to Viral Growth and Disease
EXAMINER: Jeffrey N. Fredman
GROUP ART UNIT: 1634
ATTY. DKT. NO.: 23542-07404

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to: Commissioner For Patents at facsimile number 703-872-9306 in on the date shown below:

Dated: January 12, 2004

By: Susan T. Hubl

Susan T. Hubl, Reg. No.: 47,668

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

NOTICE OF APPEAL

SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner, mailed July 11, 2003, finally rejecting claims 1-4, 6-8, and 14-16.

Pursuant to 37 CFR § 1.17(e), enclosed is payment in the amount of \$ 165.00 for the filing of the Notice of Appeal. Included with this Notice is a Request for Extension of Time for Three (3) Months and the appropriate fee. Accordingly, this Notice is timely filed.

Respectfully submitted,
CARL A. KAMB

Dated: 1/12/04By: Susan T. Hubl

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23542/07404/SF/5112662.11